

**FILED**

FEB 16 2006

Hearings Unit, OIC  
Patricia D. Petersen  
Chief Hearing Officer

**STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE OFFICE OF THE INSURANCE COMMISSIONER**

**MAILED**

**FEB 16 2006**

**OLYMPIA OAH**

In Re:

U.S. LIFE INSURANCE COMPANY OF THE  
CITY OF NEW YORK,

Appellant

OAH Docket No. 2005-INS-0005  
Matter No. G05-66

**NOTICE OF HEARING**

Office of the Insurance Commissioner

TO: U.S. Life Insurance Company of  
the City of New York

Timothy J. Parker  
Attorney at Law

Kyle Jennings, General Counsel  
American General Life Insurance Company

Carol Sureau, Deputy Commissioner for  
Legal Affairs

Pursuant to the Prehearing Order issued on January 18, 2006, YOU ARE HEREBY NOTIFIED That the Office of Administrative Hearings will conduct an adjudicative proceeding in the above matter commencing at 9:00 a.m. on Tuesday, March 14, 2006, at the Office of Administrative Hearings, 2420 Bristol Court SW, Olympia, Washington.

This hearing is for the purpose of affording each interested party an opportunity to present evidence pertinent to the issues involved and will be conducted under the authority of chapter 34.05 RCW and chapter 10-08 WAC.

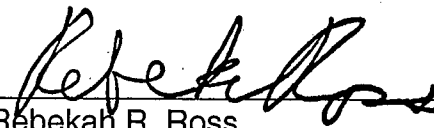
Any party who fails to attend or participate in this proceeding may be held in default in accordance with RCW 34.05.440(2).

If a limited English speaking or hearing impaired party needs an interpreter, one will be appointed at no cost. If you need an interpreter, please complete and return the attached form as soon as possible.

SERVED on the date of mailing.

WASHINGTON STATE  
OFFICE OF ADMINISTRATIVE HEARINGS

By



Rebekah R. Ross  
Administrative Law Judge  
2420 Bristol Court SW  
PO Box 42489  
Olympia, WA 98504-2489  
Telephone: (360) 753-6261

Copies were mailed to the following:

U.S. Life Insurance Company of the City  
of New York  
830 Third Ave 7<sup>th</sup> Floor  
New York NY 10022

Timothy J. Parker, Attorney at Law  
Carney Badley Spellman  
701 Fifth Ave Ste 3600  
Seattle WA 98104-7010  
Telephone: (206) 607-4153

Kyle Jennings, General Counsel  
American General Life Insurance Company  
2929 Allen Parkway #A-40-02  
Houston TX 77019-2155  
Telephone (713) 831-3131

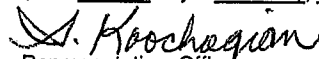
Carol Sureau, Deputy Commissioner  
for Legal Affairs  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia WA 98504-0255  
Telephone (360) 725-7050

Patricia D. Peterson, Chief Hearing Officer  
Office of Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

STATE OF WASHINGTON    )  
                                  ) ss.  
COUNTY OF THURSTON    )

I hereby certify that I have this day served a copy of this document upon  
all parties of record in this proceeding by mailing a copy thereof,  
properly addressed with postage prepaid, to each party to the  
proceeding or his or her  
attorney or authorized agent.

Dated at Olympia, Washington, this 16th day of February, 2006.

  
Representative, Office  
of Administrative Hearings

OFFICE OF ADMINISTRATIVE HEARINGS  
NOTICE OF NONDISCRIMINATION  
AND EQUAL ACCESS POLICY

This notice is provided in accordance with Title II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

The Washington State Office of Administrative Hearings does not discriminate against any person in employment or in access to its facilities or services on the basis of disability, race, color, national origin, creed, sex, age, marital status, veterans status, sexual orientation, or ability to speak English.

If you have a disability and desire accommodation by the Office of Administrative Hearings when using its facilities or services, please notify an employee of the Office of Administrative Hearings field office concerned.

Persons alleging unequal treatment or denial of equal access and persons desiring additional information about accommodation should contact:

Office of Administrative Hearings

Attn: Americans with Disabilities (ADA) Coordinator

P. O. Box 42488

Olympia, WA 98504-2488

(360) 664-8717

TTY (hearing impaired) users dial through Washington  
relay operator 1-800-833-6388

## NOTICE

YOU ARE HEREBY ADVISED that if limited English-speaking or hearing impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter must be designated below and returned as soon as possible to the Office of Administrative Hearings, 2420 Bristol Court SW, PO BOX 42489, Olympia, Washington 98504-2489.

BUSINESS/CASE NAME: \_\_\_\_\_

YOUR NAME: \_\_\_\_\_

DATE OF HEARING: \_\_\_\_\_

PRIMARY LANGUAGE: \_\_\_\_\_

HEARING IMPAIRED: YES \_\_\_\_\_ NO \_\_\_\_\_

English-speaking person to be contacted for any questions:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

RETURN COMPLETED FORM TO:

Attention: S. Koochagian  
Office of Administrative Hearings  
2420 Bristol Court SW  
PO BOX 42489  
Olympia, WA 98504-2489  
(360) 753-6261

**FILED**

JAN 19 2006

Hearings Unit, OIC  
Patricia D. Petersen  
Chief Hearing Officer**STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE OFFICE OF THE INSURANCE COMMISSIONER****MAILED**

JAN 18 2006

OLYMPIA OAH

In Re:

U.S. LIFE INSURANCE COMPANY OF  
THE CITY OF NEW YORK,

Appellant.

OAH Docket No. 2005-INS-0005  
Matter No. G05-66**PREHEARING CONFERENCE ORDER**

Office of the Insurance Commissioner

Conference Held: January 10, 2006  
by telephoneRepresentatives: Office of Insurance Commissioner  
by Carol SureauAppellant U.S. Life Insurance Company of the City of New York  
by Timothy J. Parker  
Kyle Jennings

Summary of Deadlines And Dates	
March 1, 2006	The parties will mail their proposed exhibits and witness lists to each other and to OAH
March 6, 2006	The parties will mail their proposed rebuttal exhibits and witness lists to each other and to OAH
March 14, 2006 9:00 a.m.	Full hearing Location: Olympia OAH

**NATURE OF PROCEEDING**

This is an adjudicative proceeding instituted at the request of the Appellant to challenge a decision by the Office of Insurance Commissioner (OIC) to suspend the Appellant's certificate of authority effective August 30, 2005. The suspension was lifted effective September 6, 2005.

The prehearing conference took place before Administrative Law Judge Rebekah R. Ross. The parties conferred and reached the following agreements:

**AGREEMENTS**

1. **Hearing:** The full hearing will take place on March 14, 2006, at 9:00 a.m. The location of the hearing will be the Office of Administrative Hearings, 2420 Bristol Court SW, Olympia, Washington, 98504. For directions see <http://www.oah.wa.gov/Olympia.htm>. The parties expect the hearing will take up to one day.

2. **Exchange of Exhibits and Witness Lists:** March 1, 2006, was set as the deadline for each party to file with the Office of Administrative Hearings a list of proposed witnesses, a list of proposed exhibits, and copies of proposed exhibits. Lists and copies must be provided to the opposing party on this same date. OIC's exhibits shall be premarked starting with number "1", with exhibit and page numbers on the bottom right corner of each page (for example, "Exhibit 1, page 1"; "Exhibit 1, page 2"). The Appellant's exhibits shall be premarked starting with the letter "A", with exhibit and page numbers on the bottom right corner of each page (for example, "Exhibit A, page 1"; "Exhibit A, page 2"). The exhibit list must specify the following for each proposed exhibit: the title or a description of the document, the date of the document, and the number of pages in the document. The witness lists shall include the witnesses' telephone numbers and a brief summary of the witnesses' expected testimony. March 6, 2006 was set as the deadline for each party to file with the Office of Administrative Hearings a list of proposed witnesses, a list of proposed rebuttal exhibits, copies of

proposed rebuttal exhibits, and their rebuttal witness lists. The administrative law judge may reject documents and witnesses that have not been properly filed and identified by the deadline. To ensure that documents are placed with the proper file, the parties must include the docket number on their exhibit and witness lists and other documents sent to the Office of Administrative Hearings.

3. **Address of OAH:** Documents mailed to the Office of Administrative Hearings must be addressed to the following post office box:

Office of Administrative Hearings  
PO Box 42489  
Olympia, WA, 98504-2489.

Documents hand-carried or sent by courier should be directed to the following street address: Office of Administrative Hearings, 2420 Bristol Court SW, Olympia, WA, 98504-2489. Do not mail documents to that street address, because the postal service will not deliver mail to the street address.

4. **Continuance Requests:** The parties are expected to diligently prepare for the hearing. No continuances (delays) of the hearing date will be granted unless an administrative law judge (ALJ) determines there is good cause. WAC 10-08-090. All continuance requests should be made as soon as the party is aware of the need. A party requesting a continuance must first contact the other party to find out if the other party will agree to a continuance. If the parties agree to a continuance, the ALJ will grant the request, unless the ALJ finds that good cause for a continuance does not exist. Continuance requests made within **five business days** of the scheduled hearing will normally be **denied**, unless there is an unforeseen emergency. If the parties do not

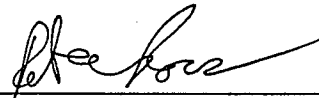


agree to a continuance, or if the ALJ cannot determine, despite the parties' agreement, that good cause exists, the ALJ will set a special prehearing conference. If there is insufficient time before the full hearing to schedule the special prehearing conference, the ALJ will hear arguments from the parties and make a good cause determination as the first issue in the scheduled hearing. If the ALJ decides there is not good cause for a continuance, the full hearing will proceed. **Do not assume that a continuance is granted** until you are informed by the Office of Administrative Hearings that the continuance is granted.

**ORDER**

IT IS HEREBY ORDERED, That the above recital of agreements control the proceeding unless modified by the assigned administrative law judge on his or her own motion or on the motion of a party.

SERVED on the date of mailing.



Rebekah R. Ross  
Administrative Law Judge  
Office of Administrative Hearings

**PURSUANT TO RCW 34.05.431 AND WAC 10-08-130, A PARTY HAS TEN DAYS TO FILE AN OBJECTION TO THIS ORDER. IN THE ABSENCE OF A TIMELY OBJECTION, THIS ORDER SHALL CONTROL THE PROCEEDINGS UNLESS MODIFIED FOR GOOD CAUSE BY SUBSEQUENT ORDER.**

Copies were mailed to the following:

U.S. Life Insurance Company of the City  
of New York  
830 Third Avenue, 7th Floor  
New York, NY 10022

Timothy J. Parker, Attorney at Law  
Carney Badley Spellman  
701 Fifth Avenue, Suite 3600  
Seattle, WA 98104-7010  
Telephone: (206) 607-4153

Kyle Jennings, General Counsel  
American General Life Insurance Companies  
2929 Allen Parkway, A-40-02  
Houston, TX 77019-2155  
Telephone: (713) 831-3131

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Telephone: (360) 725-7050

Patricia D. Peterson, Chief Hearing Officer  
Office of Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

I hereby certify that I have this day served a copy of this  
document upon all parties of record in this proceeding  
by  
mailing a copy thereof, properly addressed with postage  
prepaid, to each party to the proceeding or his or her  
attorney or authorized agent.

Dated at Olympia, Washington, this 18th day of  
January, 2006.

  
Representative, Office  
of Administrative Hearings